

REMARKS

WHEELER

U.S. Patent No. 291,447 to Wheeler, discloses a drawstring bag having "ears" on the drawstring for opening the bag. Clearly, wheeler does not anticipate the disclosure of this subject patent application, otherwise, reference would have been made in Wheeler to the advantage of placing ears on the bag itself. Merely placing graspable "ears" on the drawstring itself does not cause the bag itself to open when the drawstring ears are grasped and operated. Instead, the drawstring opens and a second action is required, that being the action to actually open the bag.

For at least the above-presented reason, Applicant maintains that this prior art reference does not describe, teach, or suggest each and every element of the Newly Amended Claims, and these claims, therefore, are patentable over Wheeler under 35 U.S.C. § 102(b).

LUTHER

U.S. Patent No. 6731,378 to Luther discloses two elements affixed to the area substantially around the aperture of a purse or bag. The function of these elements has nothing to do with regard to the opening process of a bag on which the elements are used. To the contrary, the function of these elements is to serve to better maintain the bag in a closed condition.

For at least the above-presented reason, Applicant maintains that this prior art reference does not describe, teach, or suggest each and every element of the Newly Amended Claims, and these claims, therefore, are patentable over Luther under 35 U.S.C. § 102(b).

HALPIN

U.S. Patent No. 2,197,977 to Halpin, discloses graspable tabs, but these tabs do not serve to prevent the drawstrings from flailing about wildly as they are wont to do, naturally, during the process of opening the bag. Rather, the ends of the drawstring are free to flagellate the hands of the operator, and consequently, the elemental, basic nature of the tabs disclosed by Halpin are not merely disadvantageous, but are, in fact, potentially dangerous.

For at least the above-presented reasons, Applicant maintains that this prior art reference does not describe, teach, or suggest each and every element of the Newly Amended Claims, and these claims, therefore, are patentable over Halpin under 35 U.S.C. § 102(b).

COHN

U.S. Patent No. 2,635,664 to Cohn, discloses graspable metal rings which have no relationship whatsoever with the drawstring, and therefore, were clearly not intended to reduce the flailings of the drawstring during the opening process of the bag, nor was the notion even contemplated by Cohn that there is an advantage to controlling the movement of the drawstring in regard to the bag during the opening process of a drawstring bag.

For at least the above-presented reason, Applicant maintains that this prior art reference does not describe, teach, or suggest each and every element of the Newly Amended Claims, and these claims, therefore, are patentable over Cohn under 35 U.S.C. § 102(b).

SHERMAN

U. S. Patent No. 6,287,002 to Sherman, discloses a drawstring bag whose “tab” elements have no relationship with the drawstring itself, and therefore may not afford any control whatsoever to the drawstring during the opening process. As the Sherman aperture relies upon only one loop for the drawstring, the potential for wild flailings of the drawstring tips, typically present in the double-loop drawstring, is eliminated. Thus, the need for the drawstring to interact with the tabs is, actually obviated in the Sherman disclosure.

For at least the above-presented reason, Applicant maintains that this prior art reference does not describe, teach, or suggest each and every element of the Newly Amended Claims, and these claims, therefore, are patentable over Sherman under 35 U.S.C. § 102(b).

CONCLUSION

Accordingly, for at least the reasons set forth herein by Applicant in this case, Applicant maintains that no prior art describes, teaches, or suggests the combination of each and every element of the Newly Amended Claims, and that these Claims are patentable over all prior art under 35 U.S. C. Section 102(b).

In view of the foregoing remarks, and as demonstrated above with the submission of amended claims, applicant respectfully requests the entry of the amendments contained herein, and contends that this application should now be in condition for allowance. A notice to this effect is respectfully requested because the reasons above are sufficient to warrant allowance for this patent application. Applicant has not explored, nor is there now presented, other possible supporting information in response to the First Office Action. Nonetheless, Applicant expressly reserves the right to present further supporting information in the future, if appropriate, in response to any subsequent Office Action.

After considering these remarks, if the Examiner believes that a telephone conference with Applicant would be advantageous towards the disposition of this case in a manner favorable to Applicant, the Examiner is requested contact Applicant at the telephone number listed below.

A petition for a one-month extension of time and associated fee for extending the time to respond to Office Action from December 27, 2005 until January 27, 2006 has been filed in duplicate herewith. No additional fee is believed to be required. However, if an additional fee is required or otherwise necessary to cover any deficiency in fees paid, authorization is hereby given to charge Applicant's USPTO Deposit Account No. 50-3511. An early and favorable action is hereby requested.

Date: January 27, 2006

Respectfully submitted,

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